United Nations CRPD/C/SR.238

Convention on the Rights of Persons with Disabilities

Distr.: General
6 April 2016

Original: English

Committee on the Rights of Persons with Disabilities
Fifteenth session

Summary record of the 238th meeting
Held at the Palais Wilson, Geneva, on Thursday, 31 March 2016, at 3 p.m.

Chair: Ms. Degener (Vice-Chair)

Contents

Consideration of reports submitted by States parties under article 35 of the Convention (*continued*)

Initial report of Chile

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of the present document* to the English Translation Section, room E.6040, Palais des Nations, Geneva (trad_sec_eng@unog.ch).

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.16-05388 (E) 050416 060416

1605388

Please recycle

In the absence of the Chair, Ms. Degener, Vice-Chair, took the Chair.

The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 35 of the Convention (*continued*)

Initial report of Chile (CRPD/C/CHL/1; CRPD/C/CHL/Q/1 and Add.1)

1. *At the invitation of the Chair, the delegation of Chile took places at the Committee table.*

2. **Ms. Berner Herrera** (Chile) said that since the restoration of democracy, Chile had taken comprehensive and systematic action to promote and protect the rights of persons with disabilities. That action had included the adoption of relevant legislation, the establishment of institutions whose role was to formulate public disability policy and the publication of the results of the first national disability survey (ENDISC I), taken in 2004. The most significant milestones along the way — and strong evidence of the country's commitment to bettering the lot of persons with disabilities — were its ratification of the Inter-American Convention on the Elimination of All Forms of Discrimination against Persons with Disabilities, the Convention on the Rights of Persons with Disabilities and the Optional Protocol to the latter Convention.

3. Thereafter, Chile had reviewed and evaluated its legislation and public policies and developed an institutional framework compatible with the view that persons with disabilities were subjects of rights. The Equal Opportunities and Social Inclusion of Persons with Disabilities Act for example had been adopted in 2010. It took a comprehensive view of disability, defining persons with disabilities as they were defined in article 1 of the Convention. The Act had also established the National Service for Persons with Disabilities (SENADIS), an institution that differed from its predecessor, the National Disability Fund (FONADIS), by focusing primarily on intersectoral coordination rather than on the mere distribution of resources. A number of other laws had also been adopted in recent years and helped strengthen public institutions active in the area of human rights.

4. In view of the challenges that had yet to be met, the Government had placed considerable emphasis on disability issues. Institutional progress had been made, and a number of specific steps had either been taken or were in preparation. In 2014, for example, the Presidential Advisory Commission for the Social Inclusion of Persons with Disabilities had been set up to study and propose a national action plan for the social inclusion of persons with disabilities. Its membership included a broad range of stakeholders, including organizations of persons with disabilities. In 2015, work had been done on a bill that would establish an office of the undersecretary for disability affairs, which would be given considerable policymaking and coordination powers. The bill would also give SENADIS additional authority to monitor compliance with the law. Those developments would increase the impact made by public policy for persons with disabilities and enhance intersectoral cooperation. In addition, under the bill, the office of the undersecretary would play a key role in monitoring the country's implementation of the relevant international instruments that it had ratified.

5. The second national disability survey (ENDISC II) had been taken in 2015 in large part to provide a basis for the National Action Plan for the Social Inclusion of Persons with Disabilities. The survey had taken a new approach to the characterization of persons with disabilities, and it had been developed in consultation with civil society. As a result, it had focused not only on the respondents' medical condition but also on their level of functioning. It had shown that persons with disabilities accounted for 20 per cent of the adult population, with slightly less than half living with severe disabilities. Women accounted for the larger share of persons with disabilities and for the persons who cared for

them, and the caregivers were almost always unpaid. Those findings were consistent with the Government's ongoing efforts to develop a national system to provide care for persons with disabilities and dependent older adults and to assist their support networks as part of the Intersectoral Social Protection System.

6. The survey had also shed light on the employment situation of persons with disabilities. The Government was the driving force behind programmes encouraging private sector employers and public agencies to make the inclusion of persons with disabilities one of their normal practices. A programme launched in 2015 was aimed at providing vocational training to more than 20,000 persons with disabilities.

7. The survey had shown that persons with disabilities had completed fewer years of schooling than non-disabled persons. The Government was therefore advocating a reform of the education sector. The Inclusive Education Act provided for the gradual removal of arbitrary requirements for admission to educational institutions receiving public funds and prohibited the expulsion of students for reasons related to their special educational needs. SENADIS had developed plans to help students with disabilities continue their education in institutions of higher learning.

8. Other developments relevant to the country's effort to implement the Convention included the recent signature of a bill creating the position of a children's rights defender, the 2012 launch of a programme to provide free legal aid to persons with disabilities and recent amendments made to the General Ordinance on Town Planning and Construction with a view to eliminating architectural barriers in public spaces and in buildings used by the public. The Ordinance also set forth the accessibility requirements for publicly funded housing intended for persons with disabilities.

9. **Mr. Garretón Merino** (National Human Rights Institute, Chile) said that the National Human Rights Institute, which had been established by law in 2009, had maintained the A status it had received from the International Coordinating Committee of National Human Rights Institutions in May 2013. The Institute's ties to civil society had a positive impact on its daily work. Four of the 11 members of the Institute's board were elected by civil society organizations, while all the members of its advisory board were representatives of civil society or academia. In addition, the Institute had a legal mandate to award a national human rights prize every two years. The most recent such prize had been given to María Soledad Cisternas Reyes, Chair of the Committee.

10. Serious difficulties had been encountered in producing statistical information on persons with disabilities. Much of the relevant information was out of date, and so was of limited usefulness for the design of public policy. The findings of the second national disability survey, which had been completed only recently, would help fill the void, as would the findings of the national social and economic survey, the 2015 edition of which had for the first time asked respondents to report whether they had been victims of discrimination and, if so, to identify the reason for it.

11. Not all the aims of the Equal Opportunities and Social Inclusion of Persons with Disabilities Act had been achieved, and as a result there were sometimes protests by groups of people who believed that they had been let down. In addition, legal views concerning persons with disabilities were still informed by the country's Civil Code, which had been adopted in 1855. The Institute was of the view that outdated provisions that denied persons with disabilities their rights should be considered by the courts to have been tacitly repealed by the incorporation into domestic law of international human rights instruments. Both the letter and the spirit of articles 12 (5) and 13 of the Convention should be respected.

12. In some circumstances, it was possible for persons to be committed to mental health institutions against their will and without a court order. The Institute had maintained that neurosurgery for mental disorders required a study of each case and the opinion of more

than one specialist. The wishes of the patients or their legal representatives should be respected.

13. There were still major obstacles to the full and effective participation and inclusion in society of persons with disabilities. The report submitted to the Committee by the Institute had focused on the social protection of older persons with disabilities, who accounted for a large share of the persons with disabilities in Chile.

14. Considerable progress had been made with regard to participation in political and public life. Ballots for blind voters did not always contain all necessary information, however, as they often listed candidates for office only by reference numbers rather than by name. Lastly, the Institute was prepared to monitor closely the proposals made by the Presidential Advisory Commission for the Social Inclusion of Persons with Disabilities mentioned by Ms. Berner Herrera, as the Commission's mandate included empowering persons with disabilities to exercise their fundamental rights without having to depend any longer on third parties.

15. **Ms. Quan-Chang** (Country Rapporteur) said that Chile had one of the highest positions on the human development index in Latin America and that the country's economic development had led to a considerable increase in the population's standard of living. Chile was thus well placed to make great improvements to the living conditions of persons with disabilities. That notwithstanding, the continued applicability of the country's nineteenth-century Civil Code presented a particular challenge, as the Code did not entirely recognize the legal capacity of persons with disabilities. The adoption of the Equal Opportunities and Social Inclusion of Persons with Disabilities Act in 2010 was commendable, but many of its implementing regulations had not yet been adopted, and others were highly restrictive.

16. The design of the long-awaited second national disability survey had not been based entirely on a rights-based approach. The usual result of such design flaws was that more emphasis was placed on evaluating the degree of the respondents' disabilities than on the barriers that they habitually faced. Another flaw had been that the large share of persons with disabilities who were institutionalized, homeless or in prison had not been surveyed. She therefore wished to know what the State party intended to do to ensure that the concerns of such persons were taken into consideration in the development of public policy on disability issues and, more generally, to gather the information that would not be provided by the survey.

17. She would welcome more information on the State party's plans to improve the accessibility of the Internet, printed material, all means of public transport, housing and public buildings. She was concerned that, despite the adoption of the Equal Opportunities and Social Inclusion of Persons with Disabilities Act, television was, by and large, not accessible, especially to persons with hearing impairments. Indeed, the Act provided numerous exceptions to the obligation to provide subtitles or sign language interpretation, resulting in the violation of the right of persons with disabilities to have access to information.

18. Despite the significant fundraising work it carried out, the annual Chilean telethon campaign tended to convey the message that disability was synonymous with physical disability and that the needs of persons with disabilities were limited to rehabilitation. The much appreciated funds raised by the campaign did not exempt the State party from its obligation to ensure that television programmes were respectful of the rights of persons with disabilities and did not infringe those rights.

19. With reference to specific cases of persons with disabilities who had been subjected to violence and abuse at the hands of the police, she asked what the status was of investigations into the cases of Robinson García and José Vergara, among others. What

steps had been taken to ensure that such abuse did not recur and that the physical and psychological integrity of persons with disabilities was protected in all situations? Had any protocols been developed for law enforcement, medical and paramedical personnel to instruct them in how to handle cases involving persons with disabilities who were experiencing psychiatric crises?

20. She wished to know whether the State planned to provide assistance to Valeria Riveros, a pregnant mother with a physical disability who was in grave financial difficulty owing to the inadequate level of support provided to her, in contravention of the Equal Opportunities and Social Inclusion of Persons with Disabilities Act. She was in danger of losing custody of her child after being declared unfit for motherhood on purely medical grounds. As a woman with a disability, she needed support in order to be able to enjoy her rights to maternity and to a family, with respect for her inherent dignity.

21. Laws such as the one setting out the rights and duties of users of health services and the decree prescribing the terms under which persons with disabilities could be subject to involuntary institutionalization without their prior and informed consent stood in violation of the Convention, as they allowed for the forced institutionalization of persons with psychosocial or intellectual disabilities. It was regrettable that many persons with disabilities were deprived of their liberty because there were no community support services that might otherwise provide them with the option of different living conditions.

Articles 1-10

22. **Mr. Ruskus** asked what measures the Government planned to take in order to eliminate pejorative terms in the provisions of national laws, such as article 1447 of the Civil Code, and to introduce rights-based terminology that was in line with the Convention.

23. **Mr. Babu** requested specific examples of how the affirmative action measures referred to in the report were applied in the areas of education and employment. The delegation should specify how many persons with disabilities had benefited from such measures in terms of recruitment for public or private sector jobs and how many had benefited from it for admission to university or other tertiary education institutions.

24. He had received information to the effect that the use of alternative publication formats, especially Braille, was not a frequent practice in Chile. That shortcoming would impede the right of people with visual impairments to have access to information on an equal basis with others. What plans did the Government have to rectify that situation?

25. **Mr. Tatić** requested additional examples of national court cases in which the Convention had been cited. With regard to the nationwide register of accessible buildings referred to in the report, he wished to know how many buildings were accessible and, for those that were not, including buildings from the colonial period, what steps were being taken to adapt them. The delegation should provide additional information on mechanisms to monitor the implementation of the Equal Opportunities and Inclusion of Persons with Disabilities Act, including sanctions applied in cases of non-compliance. He asked what support services were available for wheelchair users who arrived at the capital city's airport and needed to transfer to the city centre and what accommodations had been made in order to ensure the accessibility of hotels and public government buildings.

26. **Mr. Lovászy** asked whether the law in the State party restricted or eliminated the legal capacity of deaf persons based on their hearing impairment alone. He requested information on the laws and practice relating to the funding of non-governmental organizations (NGOs). Were they in line with the principles and priorities that had been established for determining the recipients and amounts of such funding? The delegation should provide information on accessibility laws or regulations and indicate whether Chilean Sign Language had been recognized as an official language and whether an official

version of the Convention existed in that language. What results had been obtained by the technical working groups on hearing impairments and mental disabilities? Had any recent improvements been made in providing access to assistive technologies and devices?

27. **Mr. Langvad** said that article 3 of the Convention, which related to self-determination and individual autonomy, encapsulated the essence of the Convention and should be borne in mind when the State party enacted legislation to give effect to it. He asked whether the Government provided support to organizations of persons with disabilities so that they could participate in consultations on the implementation of the Convention and in monitoring its implementation. In view of reports that there were gaps in the implementation of the Equal Opportunities and Inclusion of Persons with Disabilities Act in relation to education, accessibility and reasonable accommodation, he wished to know whether organizations of persons with disabilities were involved in monitoring the Act's implementation. The delegation should confirm whether the "necessary accommodation" referred to in the Act expressed the same concept as the reasonable accommodation defined in article 2 of the Convention. As to television programming, it was important to pay attention not only to its accessibility but also to its portrayal of persons with disabilities, especially in view of the enormous size of the potential audience.

28. **Ms. Peláez Narváez** asked what support was given to organizations of persons with disabilities. Was funding provided to cover their members' travel expenses to ensure their participation in policy consultations? To what extent were the opinions of their representatives taken into account? She wished to know what specific measures the State had implemented to ensure non-discrimination and equality for women and girls with disabilities in all areas of life. The delegation should describe how the principle of non-discrimination against children with disabilities would be addressed by the bill on the establishment of a system of guarantees for the rights of children and how the situation of children with disabilities was taken into account in the National Action Plan for the Social Inclusion of Persons with Disabilities.

29. Commending the important contributions made by the annual telethon campaign in Chile, she asked how the telethon's Teletón Foundation took into account the principles and mandates of the Convention; how organizations of persons with disabilities took part in its management; what policy was followed in order to ensure that the inherent dignity of persons with disabilities was taken into account in the television programmes aired during the telethon; and whether the Government intended to include audio description in its television broadcast policy. The delegation should provide an account of the annual budget of the telethon, including a description of funds that had been earmarked for the construction of an accessible theatre.

30. **Mr. Buntan** asked whether a formal structure had been established by law to empower persons with disabilities and their representative organizations to participate in the formulation, implementation and monitoring of legislation and policies affecting them and whether a permanent fund had been established to cover the costs arising from those activities. The delegation should provide statistics on how many complaints had been lodged as a result of disability-based discrimination; whether any determinations had been made in such cases; and whether any reparation or damages had been awarded to the victims. Had accessibility standards been established by law? If that was the case, were they in line with internationally recognized standards?

31. **Mr. Pyaneandee** said that in its opening statement the delegation had apparently referred to the prevention of disability. He pointed out that such a concept was inconsistent with the spirit and content of the Convention. Had the State party embarked on a review of legislative measures that violated the Convention, in consultation with organizations of persons with disabilities? He requested additional information and statistics on the number of complaints of rights violations that had been registered and asked whether complainants

could seek legal aid. He also enquired about the type of reasonable accommodation provided if the complaints were found to be valid.

32. **Mr. Basharu** enquired about the level of involvement of the media and organizations of persons with disabilities in the awareness-raising and outreach programme described in the report and the measures taken to ensure that the media portrayed persons with disabilities in a positive light. He commended the State party's comprehensive accessibility policy. However, it was regrettable that no information had been provided on measures taken to promote access for persons with disabilities, particularly blind persons, to information and communication technology.

33. **Mr. Parra Dussan** enquired about the reasoning that had led to the replacement of the National Disability Fund (FONADIS) with the National Service for Persons with Disabilities (SENADIS). The launching of the telethon some 40 years previously had certainly been a commendable development at the time. However, times had changed and it was now difficult to reconcile public policies in support of persons with disabilities with the charity-based approach of the Teletón Foundation.

34. **Ms. Kingston** enquired about legislation to combat intersectional and multiple discrimination, for example against indigenous women with disabilities, and about the remedies available to victims. She requested additional information on measures to combat gender and disability stereotyping, for example in school textbooks and the media. Were training courses on disability and sexual stereotypes organized for law enforcement officers and persons working in the justice sector?

35. **Mr. Kim** Hyung Shik commended the enactment of the Equal Opportunities and Social Inclusion of Persons with Disabilities Act. According to the report, however, the definition of disability contained in the Act had helped to "reshape the approach to prevention". He reminded the State party that prevention was not a concept endorsed by the Convention. He also noted that a medical definition of disability was used for the collection of statistics and data. The report indicated that under the Act, the State party had launched an extensive range of legal initiatives on behalf of children and women with disabilities, but no follow-up data had been provided. He asked whether organizations of persons with disabilities played a role in the monitoring process.

36. **Mr. Al-Tarawneh** enquired about provisions in the public procurement system to ensure that buses, trains, and bus and railway stations were fully accessible to people with disabilities. He also requested information about measures to improve the accessibility of other public areas and facilities and of historical heritage sites. Was there a national accessibility plan or strategy and, if so, were there sufficient human, technical and financial resources to ensure its implementation at all levels?

37. **Mr. You** Liang noted that, according to the report, a special arrangement had been established under the existing legislation to provide funding services and technical aids for children under 6 years of age. He enquired about the rehabilitation services provided for children in that age group. Emphasizing the importance of affordable high-quality assistive devices, he noted that the State party was empowered to introduce import duty exemptions to improve accessibility and asked to what degree that policy was implemented. For example, could persons with disabilities buy wheelchairs from other countries without paying duty?

The meeting was suspended at 4.40 p.m. and resumed at 5 p.m.

38. **Ms. Berner Herrera** (Chile) said that the term "prevention" had been used in the Act of 1994 introducing standards for the social inclusion of persons with disabilities, and that in 2010 that law had been replaced by the Equal Opportunities and Social Inclusion of Persons with Disabilities Act, which used terminology that was consistent with the

Convention. As stated in paragraph 1 of the replies to the list of issues, Chile had adopted legislation that incorporated language respectful of the dignity of persons with disabilities.

39. **Mr. Concha Gamboa** (Chile) said that the Government was aware that the terms used in some laws, particularly the Civil Code, were obsolete and discriminatory. The Act of 2010 adopted a rights-based approach, and there were plans to launch a rigorous academic review of the Civil Code in cooperation with civil society organizations to replace pejorative terms in the law. A study conducted in 2014 by the Chilean Library of Congress had identified outdated terminology in 61 articles of 12 laws. The amendment of those laws to ensure respect for human dignity and alignment with international human rights standards was not an easy task. The Presidential Advisory Commission for the Social Inclusion of Persons with Disabilities had established a subcommittee that was drafting a proposal for that purpose. A number of laws already incorporated language that was consistent with the Convention, including Act No. 19.882, which regulated civil service employment; Act No. 20.255 on pension reform; Act No. 20.535, which authorized parents of children with disabilities to take time off from work; Act No. 20.584 concerning rights and duties pertaining to health care; Act No. 20.609 concerning measures to combat discrimination; and Act No. 20.844 concerning the rights and responsibilities of persons attending and organizing professional football matches. Article 154 of the Labour Code and Act No. 19.886 on public procurement specifications also used language that was respectful of persons with disabilities.

40. **Ms. Berner Herrera** (Chile) said that the questionnaire used in the second national disability survey had been prepared in 2014 with the assistance of the general public. The survey had been conducted in mid-2015 under the auspices of the National Statistics Institute and the results pertaining to adults with disabilities had been published in January 2016. The data-collection process had complied with the principles enshrined in the Convention and with the guidelines established by the World Health Organization and the World Bank. Different metrics had been applied to children and adults. According to the results published in January 2016, 11.7 per cent of adults displayed mild or moderate disabilities and 8.3 per cent displayed severe disabilities. The results concerning children with disabilities would be published the following week.

41. The Equal Opportunities and Inclusion of Persons with Disabilities Act provided for the adoption of nine regulations. A regulation on the classification and certification of disability had been promulgated in 2013. A regulation on audiovisual communication aimed at facilitating access to television channels for hearing-impaired persons had been promulgated in 2012. A regulation concerning public transport signage and accessibility had been promulgated in 2011. Import duty exemptions existed for imports of vehicles, technical aids, rehabilitation equipment and other devices. Regulations concerning the National Disability Register and the Consultative Council on Disability had also been adopted. Lastly, a regulation that established standards for the construction of new buildings and a time frame for the adaptation of older buildings had been promulgated in March 2015.

42. Two regulations had not yet been issued. One concerned the preferential selection of persons with disabilities in the public sector on grounds of equal merit. It was being drafted by the Ministry of Finance, the Ministry of Social Development and the Office of the President and would shortly be submitted to the relevant authorities. A bill concerning the inclusion of persons with disabilities in both public and private-sector employment would also be submitted to the National Congress in the near future. The second pending regulation concerned the introduction of standards to protect visually impaired persons who used pharmaceuticals, medications, cosmetics and other similar products. A task force had been set up to draft the regulation.

43. The Associations and Citizen Participation in Public Administration Act required all ministries and public services to set up representative civil society councils to ensure that the views of civil society could be heard. The President had issued an order aimed at promoting compliance with the Act and its implementing regulations. The Ministry of Social Development had established a 15-member civil society council in January 2015. One of the members represented SENADIS.

44. **Ms. Berner Herrera** (Chile) said that civil society organizations could apply for project financing from a number of competitive funds. For example, previously approved organizations with a track record of working with persons with disabilities could apply for funding under the Social Donations Act. Given the regional disparities in Chile between the capital and the rest of the country, a great deal of importance was attached to ensuring that funds were accessible to organizations nationwide.

45. **Mr. Concha Gamboa** (Chile) said that during the development of the second national disability survey, attention had been paid to ensuring the participation of organizations of persons with disabilities. Public consultations had been held nationwide, and the results had served as the basis for drawing up a questionnaire covering such issues as inclusion in education and employment support measures. A draft action plan was now being prepared to respond fully to the needs of persons with disabilities. The national director and departmental heads of SENADIS met regularly with civil society when they travelled around the country. SENADIS had regional directors in the country's 15 regions, each of which also had a regional advisory board. In 2016, SENADIS would allocate funds to pay for travel and facilitate the participation in those boards of leaders of organizations of persons with disabilities across the country, particularly in the most remote areas. Prior to the dialogue with the Committee, the government delegation had held a meeting with the NGOs that had submitted shadow reports to the Committee. Their reports were a useful complement to the State party report.

46. **Ms. Neculhueque Zapata** (Chile) said that the Ministry of Health had been working with SENADIS on the regulation of labelling for persons with visual impairments of pharmaceutical products, foods for medical use and cosmetics. The applicability and impact of proposed amendments to two decrees on packaging and labelling were currently being evaluated, in line with the Ministry's guidelines on good regulatory practice. A working group on disability and human rights had also been set up under the Ministry of Health.

47. **Mr. Soffia Vega** (Chile) said that a technical round table on special education, in which experts, academics, international organizations and NGOs had participated, had produced a proposal for a system of inclusive education in Chile. The proposal was currently being reviewed by the Ministry of Education. In 2015, a series of consultations had been held in each of the country's provinces to hear from a range of stakeholders, including teachers, students and parents, on the main points to be taken into account in the new special education policy.

48. **Ms. Tapia Fuentes** (Chile) said that, of the Ministry of Housing and Town Planning's 15 advisory boards, 5 had members from organizations of persons with disabilities. Three public consultations had been held in 2014, one in particular on the draft General Ordinance on Town Planning and Construction. The draft had been posted on the Ministry's website, and more than 260 comments had been received, including many from organizations of persons with disabilities.

49. **Ms. Berner Herrera** (Chile) said that the Government had worked with the Teletón Foundation during its 2015 campaign to raise awareness of the rights of persons with disabilities.

50. **Mr. Concha Gamboa** (Chile) said that, since the 1950s, the Teletón Foundation had provided valuable rehabilitation services for children with physical disabilities, using a

charity-based approach. The Foundation had been set up in the 1970s to raise funds for the construction of rehabilitation centres. The Government shared the Committee's view that the Foundation must be respectful of the dignity of persons with disabilities and should not represent them as objects of charity and pity, but as subjects of rights. That point had been raised with the organization, which had made an effort to change the image it presented during the last telethon campaign. The Government's contributions were used for professional and technical expertise and equipment, not to fund the campaigns. The Government provided rehabilitation and social inclusion services for all ages and had established the Pedro Aguirres Cerda National Rehabilitation Institute, which provided service for persons with disabilities of all kinds.

Articles 11-20

51. **Mr. Tatić** asked whether the funding agreed in 2011 for the provision of free legal aid to persons with disabilities was still in place. He would welcome information on sources of funding for persons with disabilities who wished to engage personal assistants and training programmes for individuals who wished to work in that capacity.

52. **Mr. Babu** asked what measures were implemented to ensure that the needs of persons with disabilities were taken into account in the context of disaster preparedness, particularly in terms of access to information, evacuation and assistance, in light of the 2014 earthquake. What legislation and policies were in place to give effect to the constitutional provision on the right to personal liberty and security for persons with disabilities?

53. **Mr. Basharu** asked what concrete measures the State party was taking to ensure accessibility to courts, police stations and prisons in order to guarantee effective access to justice for persons with disabilities.

54. **Mr. Lovászy** asked whether the State party had introduced SMS text messaging services or smartphone applications to meet the needs of persons with hearing impairments as part of its disaster risk management plans. He requested information on legal aid services for persons who were deaf or hard of hearing, including the cost of such services.

55. **Mr. Kim** Hyung Shik invited the delegation to comment on reports that approximately 20 per cent of persons with psychosocial disabilities were detained or in internment and that a large number were placed in general hospitals rather than specialist psychiatric facilities. The Committee had learned that no data were kept on persons placed in private sector services or in short-term stays and that children with psychosocial disabilities were receiving treatment at services intended for adults.

56. **Mr. Buntan** asked what had been done since the adoption of the Sendai Framework for Disaster Risk Reduction to ensure that all national and local disaster risk reduction plans were inclusive of and accessible to persons with disabilities. What did the State party plan to do to remedy inclusion in the law of the nineteenth-century notion that persons with disabilities had no legal capacity? What proportion of the budget was allocated to community-based services for persons with disabilities, as compared to allocations to large institutions or services run by private foundations?

57. **Mr. Parra Dussan** asked what strategy was being used for the review of the Civil Code and whether provision was being made for supported decision-making.

58. **Ms. Kingston** asked whether there had been any awareness-raising or training on the manual and fact sheet on the provision of assistance to persons with disabilities in an emergency, and if so, if there had been any evaluation of their impact. She invited the delegation to comment on reports that large numbers of people were in hospital without therapeutic reasons while waiting for sheltered housing solutions. Hundreds of homes for

the elderly were not regulated or supervised, and such institutions reportedly also housed persons of all ages, including children, with psychosocial and intellectual disabilities.

59. **Mr. Pyaneandee**, recalling that there had been an unsuccessful court case brought against the State broadcaster for failing to provide sign language interpretation to ensure access to information for deaf persons in emergency situations such as earthquakes, asked whether there were any plans to repeal the provisions of the relevant legislation to bring it fully into line with the requirements of article 11 of the Convention. What steps were planned to increase the number of free legal aid centres and to train members of the judiciary and the legal profession on the Convention?

60. **Ms. Peláez Narváez** asked when the State party planned to bring its policies on internment and forced treatment into line with the Convention. Recalling a recommendation made by the Committee on the Rights of the Child in its concluding observations issued in 2015 (CRC/C/CHL/CO/4-5), she asked when the practice of sterilizing girls with disabilities would be abolished. How did the State party plan to carry out a policy of deinstitutionalization if it had not collected information from persons with disabilities in institutions as part of the second national disability survey? How was independent living supported for persons with disabilities on the country's islands?

61. **Mr. You** Liang asked whether persons with certain impairments were legally allowed to drive adapted cars. He had heard that there were hospitals in which some persons with psychosocial disabilities were hospitalized for many years. Were such establishments regularly inspected by competent agencies, and were there legal procedures to protect the rights of those persons?

62. **Ms. Quan-Chang** asked what steps were taken to guarantee that persons who had been declared without legal capacity could actually participate in legal proceedings themselves, and not through third parties. Did the State party plan to review the criminal legislation under which persons with disabilities who were reported to have committed a crime were declared exempt from criminal responsibility? The delegation should comment on the large number of forensic patients institutionalized for long periods in the Dr. Philippe Pinel psychiatric hospital while awaiting judicial review of their legal status. She encouraged the State party to set up the national preventive mechanism under the Optional Protocol to the Convention against Torture to visit places of deprivation of liberty, including psychiatric facilities, where there were reports of forced treatment, including electroshock therapy, of persons with psychosocial disabilities.

The meeting rose at 6.05 p.m.